

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CHAD COMBS,)
)
Plaintiff,)
)
v.) Case No. 3:13-cv-181-GPM-DGW
)
JOHN DOES 1-3, JANE DOE, NURSE PEEK,)
and VIPIN SHAH,)
)
Defendants.)

ORDER

WILKERSON, Magistrate Judge:

Now pending before the Court are the Motion to Amend filed by Plaintiff, Chad Combs, on April 12, 2013 (Doc. 11) and the Motion for Protective Order filed by Defendant, Vipin Shah, on May 28, 2013 (Doc. 22). Both Motions are **GRANTED**.

MOTION TO AMEND

On April 4, 2013, District Judge G. Patrick Murphy issued a Screening Order pursuant to 28 U.S.C. § 1915A (Doc. 7). In that Order, Judge Murphy indicated that Plaintiff only had two viable claims:

Count 1: against John Doe Defendants #1-3, for unconstitutional conditions of confinement as a result of their denial of adequate exercise;

Count 2: against Defendants Beek, Shah, and John Doe #4 for deliberate indifference to serious medical needs.

Judge Murphy also indicated that if Plaintiff wished to proceed on a third count of retaliation, he was to file a Motion to File an Amended Complaint by May 9, 2013 and state which Defendant this claim is directed against.

In the proposed Amended Complaint, Plaintiff restates Counts 1 and 2 and further asserts a claim that he was retaliated against by Defendant Shah for filing a grievance against him. Plaintiff specifically alleges that he filed a grievance on May 14, 2013 regarding medical treatment and that, in retaliation, Defendant Shah placed him in “observation” where he was not allowed any “hygiene items” and was only allowed a blanket. Thus, Plaintiff has complied with Judge Murphy’s order and has stated to whom he is directing his retaliation claim. The Amended Complaint is accordingly **ALLOWED**. The Clerk is directed to file the Amended Complaint upon entry of this Order.

The Court notes that Defendant Shah has been served and has filed an Answer to the Complaint (Doc. 21). Defendant Peek (who was originally named “Nurse Beek”) has been mailed a second notice of lawsuit and request to waive service on June 3, 2013 (Doc. 24). In Judge Murphy’s Order, Plaintiff was informed that it was his duty to provide a name and address of the John Doe and Jane Doe Defendants. In the Amended Complaint, Plaintiff has not named these Defendants and the Court assumes that Plaintiff does not know their names. In order to effect service, Plaintiff is **ORDERED** to file with the Court a notice providing a physical description of these John Doe and Jane Doe Defendants, along with where they worked, their work shifts during the relevant time period, the date, time and location of his interaction with them, and any other information that would aid in identifying these Defendants for service. Plaintiff shall file this Notice by **July 8, 2013**. Plaintiff is **WARNED** that the failure to provide the notice to the Court may result in a report and recommendation that the John Doe and Jane Doe Defendants be dismissed for the failure to prosecute.

MOTION FOR PROTECTIVE ORDER

Defendant Shah seeks a qualified protective order pursuant to the Health Insurance Portability and Accountability Act (HIPAA). The Motion is **GRANTED** and a protective order will be issued by separate entry.

IT IS SO ORDERED.

DATED: June 3, 2013

DONALD G. WILKERSON
United States Magistrate Judge